

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

CNG AUTO GROUP, INC. d/b/a TOP
WHEELS; ELONTO R. HERNANDEZ COLON;
and JULISSA M. FUENTES RIVERA,

Defendants.

CIVIL NO. 15-1824 (JAG)

Breach of Contract,
Collection of Monies,
Repossession of Personal Property

**MOTION REITERATING REQUEST FOR EXECUTION OF DEFAULT JUDGMENT, ORDER,
AND WRIT FOR EXECUTION AND GARNISHMENT OR ATTACHMENT OF ASSETS**

TO THE HONORABLE COURT:

COMES NOW, Plaintiff NextGear Capital, Inc. ("Plaintiff" or "NextGear"), through the undersigned counsel, and very respectfully states, alleges, and prays as follows:

1. On January 25, 2017, this Court entered a Default Judgment in favor of Plaintiff, NextGear, and against Defendants, CNG Auto Group, Inc. d/b/a Top Wheels; Elonto R. Hernández Colón; and Julissa M. Fuentes Rivera, in the amount of \$556,889.87. See Docket No. 65. This judgment is final, binding, and has not been satisfied.

2. In light of the above, on February 24th, NextGear moved for execution of default judgment. See Docket No. 66.

3. Among other things, NextGear requested that the Honorable Court order the sale of 20 repossessed vehicles through public auction in order to apply the proceeds thereof to Defendants' \$556,889.87 debt. *Id.* at ¶ 3.

4. Over three months have passed since NextGear filed its motion for execution of judgment, during which time the referenced vehicles have continued to diminish in value and

NextGear's odds of recovering (at least part of) the amount owed by Defendants has decreased accordingly.

5. Consequently, NextGear hereby reiterates its request for execution of default judgment.

WHEREFORE, NextGear respectfully moves this Honorable Court to grant its Motion for Execution of Judgment and issue the Order and Writ for Execution of Default Judgment and Garnishment or Attachment of Assets (proposed copies of which were attached to Docket No. 66) and attach any and all property owned by CNG Auto Group, Inc. d/b/a Top Wheels; Elonto R. Hernández Colón; and Julissa M. Fuentes Rivera, including any property of third parties, to satisfy the judgment in full.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to plaintiffs since defendants are in default.

In San Juan, Puerto Rico, this 9th day of June, 2017.

McConnell Valdés LLC

*Attorneys for Plaintiff
NextGear Capital, Inc.*
270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
P.O. Box 364225
San Juan, PR 00936-4225
Tel.: 787.250.5604
Fax: 787.759.2772
www.mcvpr.com

By: s/ Antonio A. Arias
Antonio A. Arias
USDC-PR No. 204906
aaa@mcvpr.com

By: s/ Sonia M. López del Valle
Sonia M. López del Valle
USDC-PR No. 231413
sld@mcvpr.com